

FILED
Clerk
District Court

JUN 19 2008

UNITED STATES DISTRICT COURT
NORTHERN MARIANA ISLANDS For The Northern Mariana Islands
By _____
(Deputy Clerk)

UNITED STATES OF AMERICA,) Criminal Case No. 08-00016
)
Plaintiff,)
)
v.)
)
LARRY BORJA HOCOG,)
)
)
Defendant.)
_____)

**ORDER REGARDING
DISCLOSURE OF PATIENT
INFORMATION**

THIS MATTER came before the Court on June 18, 2008 for a status conference regarding the jury trial set to begin June 30, 2008. Plaintiff appeared by and through its attorney, Assistant U.S. Attorney Eric O'Malley; defendant Larry Borja Hocog appeared personally and by and through his attorney, Ramon K. Quichocho, Esq. Also in court and assisting attorney Quichocho were Joseph Horey, Esq. and William Fitzgerald, Esq. At issue was the government's ability to provide the defense with the identities of those patients alleged to have received illegal distributions of pharmaceuticals from the defendant. Defendant argued that their identities were needed in order to properly prepare his case. The government did not object, but requested authorization from the Court. Also at issue was the defendant's right to obtain the full medical records of at least those patients the government intends to call as witnesses at trial. In a letter to the Court (and copied to defense counsel) dated June 17, 2008, as well as during the conference itself, the government objected to the disclosure of any witness's medical records on grounds of relevancy.

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Having heard the arguments of both parties, the Court ORDERS AS FOLLOWS:

1. The government shall immediately disclose to the defendant the identities of those patients alleged to have illegally received controlled substances from the defendant, to be used for the limited purpose of presenting and preparing for the defendant's case. Said identities and the information related thereto shall be used for no other purpose.

2. The government shall subpoena the medical files for those patients it intends to call as witnesses, and shall provide through discovery only that information that relates to: (a) any and all medical encounters with the defendant; ^{under} or (b) the condition for which the defendant treated the patient on the date that is the subject of this case. This information shall be used for the exclusive purpose of preparing for and presenting the case at trial, and shall be used for no other purpose.

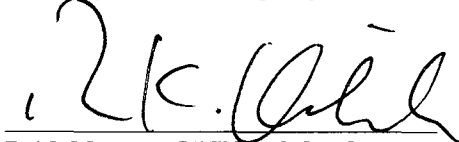
3. Counsel shall take all reasonable precautions to prevent the disclosure of the above-described information beyond what is required for this trial, and shall ensure that only information material to this case is presented in open court. Except as required during presentation at trial, counsel shall restrict access to said information to those attorneys who have entered an appearance in this case, to the defendant, and to licensed physicians who may serve as expert witnesses in this case.

DATED this ²⁴19 day of June, 2008.



ALEX R. MUNSON
Chief Judge

APPROVED AS TO FORM:



RAMON K. QUICHOCHO, ESQ.
Counsel for Defendant